

REMARKS

Claims 1-10, 14-15, 26 and 38-40 are pending in the application. Claim 3 is herein amended. Claims 13, 39 and 40 are herein cancelled. No new matter has been added.

Claims 1, 26, and 38 are independent.

On page 2 of the Office Action, Claims 1, 2, 4-7, 9, 13 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-5 of U.S. Patent No. 6,552,566. U.S. Patent No. 6,552,566 discloses “Logic Array Circuits Using Silicon-On-Insulator Logic,” which is irrelevant to the pending application.

Applicant believes the Examiner intended to cite the obviousness-type double patenting rejection in light of U.S. Patent No. 6,652,566. The examiner indicated that a timely filed terminal disclaimer may be used to overcome a rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. Applicant has attached a terminal disclaimer of prior Patent No. 6,652,566, owned entirely by Seacoast Technologies, Inc. The terminal disclaimer is believed to overcome the obviousness-type double patenting rejection, thereby placing Claims 1, 2, 4-7, 9 and 15 in condition for allowance.

On page 3 of the Office Action, Claims 1-3 and 8-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 5 and 11 of U.S. Patent No. 6,648,907. The examiner indicated that a timely filed terminal disclaimer may be used to overcome a rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this application. Applicant has attached a terminal disclaimer of U.S. Patent No. 6,648,907, owned entirely by Seacoast Technologies, Inc. The terminal disclaimer is believed to overcome the obviousness-type double patenting rejection, thereby placing Claims 1-3 and 8-10 in condition for allowance.

In the Office Action Summary, Claim 14 was indicated as rejected, however, there was no further discussion of Claim 14 in the Office Action. Applicant assumes that the Examiner intended to reject Claim 14 under the judicially created doctrine of obviousness-type double patenting. Accordingly, the attached terminal disclaimers are believed to overcome the obviousness-type double patenting rejection, thereby placing Claim 14 in condition for allowance.

On page 3 of the Office Action, Claim 15 is objected to under 37 C.F.R. §1.75 as being a substantial duplicate of Claim 13. Claim 13 has been cancelled. As a result, Claim 15 is believed to be in condition for allowance.

On page 3 of the Office Action, Claim 13 is objected to as being listed as original when it is different than the original claim. Claim 13 has been cancelled.

On page 3 of the Office Action, Claim 40 is objected to because “the claim is improperly listed as dependent on a cancelled claim.” Claim 40 has been cancelled.

On page 4 of the Office Action, Claim 39 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 39 has been cancelled.

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On page 4 of the Office Action, Claims 39 and 40 are rejected under 35 U.S.C. §102(3) as being anticipated by U.S. Patent No. 6,248,126 to Lesser, et al. Claims 39 and 40 have been cancelled.

On page 4 of the Office Action, the Examiner allowed Claims 26 and 38. Applicant thanks the Examiner for this indication of allowance.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-10, 14, 15, 26, and 38 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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